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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,167	02/12/2004	Dennis Palatov		2166

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Dennis Palatov
1315 SW Rivington Dr.
Portland, OR 97201

EXAMINER

CHEN, CHIA WEI A

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,167	Applicant(s) PALATOV, DENNIS	
	Examiner Chia-Wei A. Chen	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11, drawn to a video recording system, classified in class 348, subclass 376.

II. Claims 12-17, drawn to a method of configuring a video recording system, classified in class 717, subclass 168. The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination invention I has separate utility such as a video recording system for recording video and audio which does not include the software configuration method as recited in Invention II. See MPEP § 806.05(d).

3. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

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provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Dennis Palatov on May 31, 2007 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

7. The references listed on the Information Disclosure Statement filed on 2/12/2004 have been considered by examiner (see attached PTO/SB/09).

Claim Objections

8. Claims 1-3, 8, 9, and 11 are objected to because of the following informalities: Claim 1 should be ended with a period instead of a semicolon.

Each instance of the abbreviation 'MDC' should be expanded to 'miniature digital camcorder' in claims 1-3, 8, 9, and 11.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Strub et al. (US 6,563,532 B1).

As to claim 1, Strub et al. discloses a video recording system (200) comprising:

A MDC (701) further comprising:

- An Optical Lens (col. 17, lines 35-36);
- An Image Sensor (col. 68, lines 6-10);
- A CPU (304) capable of real time encoding of digital video from data generated by said Image Sensor (col. 11, lines 42-45);
- A solid state Storage Subsystem (305) capable of storing said digitally encoded video (col. 34, lines 57-67);
- A Power Subsystem (col. 12, lines 18-20); and
- An Enclosure (col. 17, line 33);

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A miniature Remote Control (702) unit further comprising at least:

- A Start control (col. 47, lines 8-11); and
- A Stop control (col. 47, lines 8-11); and
- A Communications Link (col. 64, lines 8-12);

Said MDC being responsive to commands transmitted by said Remote Control unit by means of said Communications Link, said commands further comprising at least:

- A Start command (col. 47, lines 8-11); and
- A Stop command (col. 47, lines 8-11);

Said MDC not having a means for viewing said encoded digital video (col. 45, lines 36-37, 48-51).

As to claim 2, Strub et al. teaches a video recording system of claim 1, said MDC not having user-operable controls (i.e., data acquisition unit is separate from control interface and system control units; col. 67, lines 34-37).

As to claim 3, Strub et al. teaches a video recording system of claim 1 wherein said Storage Subsystem of said MDC is removable (col. 34, lines 47-51).

As to claim 4, Strub et al. teaches a video recording system of claim 1 wherein said Communication Link is wireless (col. 64, lines 27-32).

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As to claim 5, Strub et al. teaches a video recording system of claim 1 wherein said Communication Link is a cable (col. 65, lines 15-16).

As to claim 6, Strub et al. teaches a video recording system of claim 1 wherein said Power Subsystem is a battery (col. 12, lines 18, 20).

As to claim 7, Strub et al. teaches a video recording system of claim 1 wherein said Remote Control unit is configured so as to be mountable on user's index finger and operable by user's thumb (col. 45, line 55-58, col. 54, lines 26-29).

As to claim 8, Strub et al. teaches a video recording system of claim 1 wherein said Enclosure of said MDC is less than six cubic inches in volume (col. 14, lines 17-30).

As to claim 9, Strub et al. teaches a video recording system of claim 1 wherein said Enclosure of said MDC is waterproof (col. 70, lines 23-24).

As to claim 10, Strub et al. teaches a video recording system of claim 1, further comprising an Audio Recorder (303), said Audio Recorder comprising at least: A microphone (col. 21, lines 25-27); A Power Subsystem (col. 12, lines 18-20); and A Storage Subsystem (305); Said Audio Recorder being responsive to Commands transmitted by said Remote Control unit by means of said Communications Link (col. 59, lines 23-35).

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11. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Bjorklund et al. (US 7,126,926 B1).

As to claim 11, Bjorklund et al. teaches a video recording system (600) comprising:

- A Remote Control unit (e.g., base stations 640, 670);
- A plurality of MDC units (610, 620); and
- A wireless Communications Link (660);

Said plurality of MDC units being responsive to Commands transmitted by said Remote Control unit by means of said Communications Link (col. 8, lines 28-29);

Said Remote Control unit having a predetermined unique ID code (e.g., NodeID; col. 14, lines 4-5);

Said Commands comprising at least said unique ID code; Said plurality of MDC units configurable to respond exclusively to Commands comprising said unique ID code (col. 14, lines 15-17).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barraclough (US 7,202,884 B1) discloses a surveillance method and system.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chia-Wei A. Chen whose telephone number is 571-270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cc
6/4/2007



NGOCYEN VU
SUPERVISORY PATENT EXAMINER